

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD LOUIS PAGE,

Plaintiff,

v.

D. M. BOWMAN,

Defendant.

No. 02CV4457

NOTICE OF REMOVAL

AND NOW, comes the Defendant, D. M. Bowman, by and through its counsel, Dickie, McCamey & Chilcote, P.C., and John T. Pion, Esquire and Edward M. Vavro, Jr., Esquire, and files this Notice of Removal of the above-captioned case from the Court of Common Pleas of Philadelphia County, Pennsylvania, where it has been assigned Civil Action No. 000648 to the United States District Court for the Eastern District of Pennsylvania and, in support thereof, sets forth the following:

1. This action was commenced by the filing of a Complaint in a Civil Action on or about June 6, 2002. Plaintiff's Complaint in a Civil Action is the initial pleading setting forth a claim for relief upon which this action is based. A copy of said Complaint is attached hereto as Exhibit "A".

2. Pursuant to the Rules of Civil Procedure, attached hereto as Exhibit "B" is an Affidavit executed by counsel for the Defendant, asserting that upon information and belief, the amount in controversy in this case exceeds \$75,000.00 exclusive of interest and costs.

3. Defendant, D. M. Bowman, is a corporation having its principal place of business at 10228 Governor Lane Boulevard, Williamsport, MD 21795. The Defendant, D. M. Bowman, was not at the time of the commencement of this action and is not now a citizen of the Commonwealth of Pennsylvania.

4. Upon information and belief, according to the verified and sworn allegations of Plaintiff's Complaint in a Civil Action, the Plaintiff at the time of the commencement of this action, and since that time, and at all other material and relevant times were and are citizens and residents of Philadelphia County, Pennsylvania.

5. Philadelphia County, Pennsylvania, where this action was initially filed, is within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania.

6. This Court has original jurisdiction of this action based upon the complete diversity of citizenship under 28 U.S.C. §1332, and this action is removable from the state court under the provisions of 28 U.S.C.. §1441, *et. seq.*

7. The Defendant, D. M. Bowman, avers that not more than thirty (30) days have passed since it received a copy of Plaintiff's Complaint in a Civil Action which is the initial pleading setting forth the claim for relief.

8. Concurrent with the filing of this document in the United States District Court for the Eastern District of Pennsylvania, the Defendant has filed with the Philadelphia County Court of Common Pleas and have served upon Plaintiff's counsel a Notice of Removal advising the state court that the Defendant has removed this action to the United States District Court for the Eastern District of Pennsylvania. See attached Exhibit "C".

WHEREFORE, the Defendant, D. M. Bowman, prays that this case be removed from the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

By 

John T. Pion, Esq.
PA. I.D. #43675

Edward M. Vavro, Jr., Esq.
PA. I.D. #80401

Attorneys for Defendant, D. M. Bowman

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

JUNE 2002

PLAINTIFF'S NAME RONALD LOUIS PAGE		DEFENDANT'S NAME D.M. BOWMAN	
PLAINTIFF'S ADDRESS 5948 Warrington Avenue Philadelphia PA 19143-0000		DEFENDANT'S ADDRESS 10038 Governor Lane Boulevard WILLIAMSPORT MD 21795-0000	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NO. OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Petition Action <input type="checkbox"/> Transfer from Other Jurisdiction <input type="checkbox"/> Notice of Appeal	
AMOUNT IN CONTROVERSY <input checked="" type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input checked="" type="checkbox"/> Arbitration <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Other: _____ <input type="checkbox"/> Mass Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition <input type="checkbox"/> Commerce <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Summary Appeals <input type="checkbox"/> Sentencing <input type="checkbox"/> Misdemeanor <input type="checkbox"/> W/D/Survival		
CASE TYPE AND CODE (SEE INSTRUCTIONS) 2V Motor Vehicle Accident			
STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)			IS CASE SUBJECT TO COORDINATION ORDER? Yes No <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: Papers may be served at the address set forth below.			
NAME OF PLAINTIFFS/PETITIONER/APPELLANT'S ATTORNEY Lawrence Solomon, Esquire		ADDRESS (SEE INSTRUCTIONS) 1207 Chestnut Street, 5th Floor Philadelphia PA 19107-4104	
PHONE NUMBER (215) 665-1100	FAX NUMBER (215) 665-8471		
SUPREME COURT IDENTIFICATION NO. 4,259		E-MAIL ADDRESS LawrenceSolomon@aol.com	
SIGNATURE		DATE June 3, 2002	

ALL-STATE LEGAL®

EXHIBIT

A

Lawrence Solomon, Esquire

ID.#: 04259

SOLOMON SHERMAN & GABAY

1207 Chestnut Street

5th Floor

Philadelphia, PA 19107

(215) 665-1100

(215) 665-8471

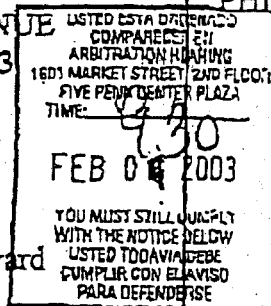
THIS MATTER WILL BE HEARD BY A BOARD OF ARBITRATORS AT THE TIME, DATE AND PLACE SPECIFIED BUT, IF ONE OR MORE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

RONALD LOUIS PAGE
5948 WARRINGTON AVENUE
PHILADELPHIA, PA 19143

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

VS.

D. M. BOWMAN
10038 Governor Lane Boulevard
Williamsport, MD 21795



JUNE 2002

000648

COMPLAINT

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
One Reading Center
Philadelphia, Pennsylvania 19107
Telephone: 215-236-1701

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademais, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades o otros derechos importantes para usted. LLEVH ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADO DE FILADELFA
SERVICIO DE REFERENCIA E INFORMACION LEGAL
One Reading Center
Philadelphia, Pennsylvania 19107
Telephone: 215-236-1701

M. CORNAGLIA
PRO. PROTHY

JUN - 6 2002

CIVIL ACTION

1. The plaintiff is an individual residing at 5948 Warrington Avenue, Philadelphia, PA 19143..
2. The defendant, D.M. Bowman is a corporation or in the alternative, a fictitious name, with an office located at 10038 Governor Lane Blvd., Williamsport, MD.
3. On or about May 9, 2001, the plaintiff was the owner of a motor vehicle which he was operating in a southerly direction on Route I95 in the airport area in Philadelphia, Pennsylvania when his vehicle was struck at the right rear by a motor vehicle which was owned by the defendant D. M. Bowman and being operated by Jack Piper.
4. The aforesaid accident was caused solely by the negligence and carelessness of Jack Piper, said carelessness, recklessness and negligence consisting of the following:
 - a. he did operate said motor vehicle at an excessive rate of speed;
 - b. he did fail to have said motor vehicle under proper and adequate control;
 - c. he did operate said motor vehicle without due regard for the rights, safety and position of the plaintiff at the time and point aforementioned;
 - d. he did fail to give proper and adequate warning of the approach of his said motor vehicle;
 - e. he did violate the various ordinances of the City of Philadelphia and the statutes of the Commonwealth of Pennsylvania, pertaining to the operation of motor vehicles on the highways;
 - f. he did fail to keep a proper lookout;
 - ~~g. he did otherwise fail to use due care and control in the operation of said motor~~

vehicle.

5. At the time and place aforesaid, Jack Piper was operating the motor vehicle of defendant, D. M. Bowman on behalf of and for the benefit of D. M. Bowman within the scope and course of his employment.

6. By reason of the aforesaid accident, the plaintiff sustained injuries to his head, neck, left shoulder, back and surrounding areas, including but not limited to sprains and strains and left trapezius myofascitis as well as a severe and permanent shock to the nervous system, all of which have caused and may continue to cause in the future great pain and suffering and agony and a deprivation of normal mode of living and/or earning power.

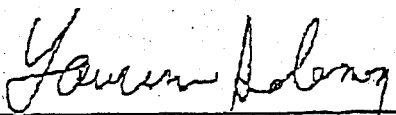
7. As a result of the aforesaid injuries, plaintiff Ronald Louis Page has incurred medical and other expenses in treating himself and may be obliged to incur additional expenses in the future.

8. At the time and place aforesaid the plaintiff's motor vehicle was damaged to his financial detriment, the cost of repair of his vehicle being \$6,354.21.

time aforesaid the motor vehicle being operated by Jack Piper was registered in

The plaintiff demands judgment from the defendant in a sum not in excess of

\$5


LAWRENCE SOLOMON
Attorney for Plaintiff

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF PHILADELPHIA

RONALD L. PAGE, being duly sworn according to law, deposes and says that he/she is the plaintiff named herein, and that the facts contained in the foregoing pleading are true and correct to the best of his/her knowledge, information and belief.

This Affidavit is being made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

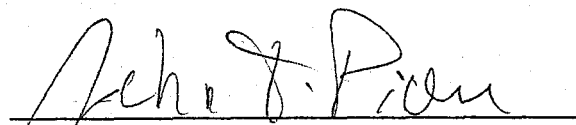
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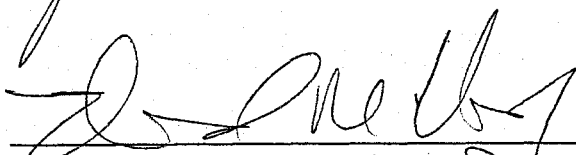
Ronald L. Page

AFFIDAVIT


COMMONWEALTH OF PENNSYLVANIA :
 : SS:
COUNTY OF ALLEGHENY :
 :

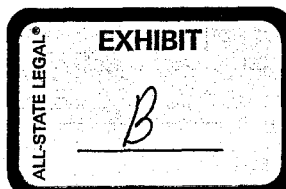
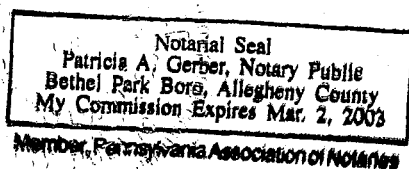
Before me, the undersigned authority, a Notary Public, personally appeared John T. Pion, Esquire and Edward M. Vavro, Jr., Esquire, who, being first duly sworn, did depose and say that he is the attorney of record for D. M. Bowman in this action; that the foregoing Notice of Removal is true and correct to the best of his information, knowledge and belief; and that the amount in controversy in this action exceeds \$75,000.00, exclusive of interest and costs.


John T. Pion, Esquire


Edward M. Vavro, Jr., Esquire

Sworn to and subscribed before
me this 2nd day of July, 2002.


Notary Public



John T. Pion, Esquire
I.D. # 43675
Edward M. Vavro, Jr., Esquire
I.D. # 80401
DICKIE, McCAMEY & CHILCOTE, P.C.
Two PPG Place, Suite 400
Pittsburgh, PA 15222-5402
(412) 281-7272

RONALD LOUIS PAGE
5948 Warrington Avenue
Philadelphia, PA 19143,

Plaintiff,

v.

D. M. BOWMAN
10038 Governor Lane Boulevard
Williamsport, MD 21795,

Defendant.

COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY,
PENNSYLVANIA

June, 2002

Case No.: 000648

NOTICE OF REMOVAL

Please take notice that on this 3rd day of July, 2002, the undersigned attorneys for the Defendant, D. M. Bowman, have filed a Notice of Removal of this action from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. A copy of said Notice of Removal, which has been filed with the United States District Court for the Eastern District of Pennsylvania, is attached hereto as Exhibit "A" and incorporated herein by reference as if the same were set forth herein at length.

Respectfully submitted,

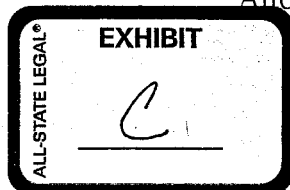
DICKIE, McCAMEY & CHILCOTE, P.C.

By: _____

John T. Pion, Esq.

Edward M. Vavro, Jr., Esq.

Attorneys for Defendant, D. M. Bowman



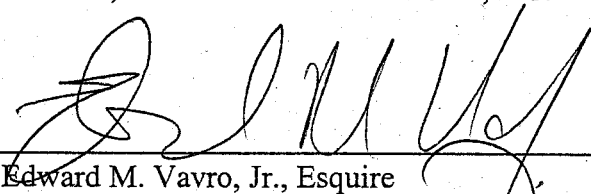
CERTIFICATE OF SERVICE

I, Edward M. Vavro, Jr., Esquire, hereby certify that a true and correct copy of the foregoing Notice of Removal has been served this 3rd day of July, 2002, by Federal Express, to counsel of record listed below:

Lawrence Solomon, Esquire
Solomon, Sherman & Gabay
Fifth Floor
1207 Chestnut Street
Philadelphia, PA 19107-4104

DICKIE, McCAMEY & CHILCOTE, P.C.

By


Edward M. Vavro, Jr., Esquire

Attorneys for Defendant, D. M. Bowman